IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 702/2004

PHOOL CHAND Vs. BHARTHA RAM & ORS.

DATE: 19.09.2007

HON'BLE MR. JUSTICE K.S. RATHORE

Mr. Vijay Kumar Sharma for the petitioner.
Mr. Amit K. Gupta for
Mr. B.L. Agarwal for the respondents.

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This writ petition is directed against the judgment dated 19.12.2003 passed by the Additional District Judge, Kotputli, District Jaipur, whereby the order dated 14.02.2003 passed by the Civil Judge (Jr. Division) First Class, Kotputli, District Jaipur has been quashed and set-aside and the temporary injunction application filed by the petitioner under Order 39 Rule 1 and 2 r/w Section 151 CPC has been rejected.

The Civil Judge (Jr. Division), Kotputli vide its order dated 14.02.2003 allowed the temporary injunction application filed by the petitioner and hold that the petitioner as well as respondents are co-sharer of the tenancy well and pump set also by sharing the electricity bill. Therefore, this writ petition is

preferred by the petitioner seeking relief to quash and set-aside the order of the Appellate Authority dated 19.12.2003 and maintain the order of the Civil Judge dated 14.02.2003.

Both the learned counsels appearing for the respective parties do not dispute that the main suit is still pending and the issues raised by the petitioner here in the present writ petition, can only be decided in the main suit regarding equal share of the parties, but in any case, at this stage, I do not want to interfere in the order passed by the Appellate Authority dated 19.12.2003.

As both the learned counsels appearing for the respective parties requested that the suit may be decided expeditiously, it is expected from the Civil Court to decide the suit in question expeditiously. Till the decision of the suit, the parties are agreed to maintain status quo as it exists today.

With these observations, the writ petition stands disposed of.

The stay order dated 23.04.2004 granted by this Court stands vacated. The stay application also stands rejected.

(K.S. RATHORE),J.

/KKC/